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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,417	04/27/2001	Kazuhiko Katahira	0152-0559P	7817
2292	7590	08/24/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/830,417	Applicant(s) KATAHIRA ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 8-50 is/are pending in the application.
- 4a) Of the above claim(s) 8-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,49 and 50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang (4,963,995).

Regarding claim 1, Lang disclose a continuous recording system (Fig. 1) comprising:

an optical disc drive having an optical disc (23) (column 3, lines 45 to 68);
a fixed disk unit (13) connected to said optical drive (column 6, lines 7-23); and
a controller (12) connected to said optical drive and said fixed disk unit, wherein said controller having a memory (29) , the controller transfers the data from fixed disc to optical disc and to record the data in the memory in either fixed disc and optical disc thereby continuously recording the data (columns 2, 5 and 9).

Regarding claim 50, Lang further teaches that the data include compressed data (column 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa (JP407201130) in view of Tanaka (4,982,390) and Takahashi (5,067,029).

Regarding claim 1, Nagasawa disclose a continuous recording system (See English translation), comprising:

a tape drive (23) ;

a fixed disk unit (19) connected to said tape drive ; and

a controller connected to said tape drive and said fixed disk unit, wherein

Art Unit: 2621

said controller controls operation such that data from the fixed disc is inputted to said tape drive and is recorded on a tape of said tape drive, thereby continuously recording the data.

Nagasawa fails to teach the use of optical disk for storing the recording data.

Tanaka teaches an apparatus using an optical disc drive for recording data on an optical disc as an alternative to a tape memory (column 3, lines 45-57, column 7, lines 35-50).

It would have been obvious to one of ordinary skill in the art to modify Nagasawa with Tanaka by using an optical disc drive as an alternative to the tape drive of Nagasawa for recording the data.

Nagasawa as modified with Tanaka fails to teach using a memory for storing the data and for transferring the data from the memory to either the fixed disc and optical disc. Takahashi teaches using memory (18) for storing data and transferring the stored data to either a fixed medium (40) or an optical medium 34)(Fig. 10). It would have been obvious to one of ordinary skill in the art to modify Nagasawa as modified with Tanaka with Takahashi by using a memory as taught by Takahashi with the apparatus of Nagasawa as modified with Tanaka for storing the data and transferring the data to either fixed disc or optical disc thereby accurately controlling the timing of storing the data in either the fixed disc or optical disc.

Regarding claim 50, Nagasawa as modified with Tanaka further teaches the data include compressed data using compressing/ decompressing means and

Art Unit: 2621

encoding/ decoding means for processing the data to be recorded on the optical disc and reproduced from the optical disc. See Nagasawa reference.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang (4,963,995) in view of Nishimura (EP 0698881).

Regarding claim, Lang fails to teach using a magneto optical disc of phase transition for storing the data. However, it is noted that using a magneto optical disc of phase transition for storing data is well known in the art as taught by Nishimura. Therefore, it would have been obvious to one of ordinary skill in the art to modify Lang with Nishimura by using a magneto optical disc as an alternative to the optical disc of Lang for storing the data.

6. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang (4,963,995) in view of Young et al (5,353,121).

Regarding claim 49, Lang fails to teach that the data includes time information. Young teaches a recording apparatus for receiving the data having time information (column 18 lines 55-61). It would have been obvious to one of ordinary skill in the art to modify Lang with Young by providing the apparatus of Lang with a data source for receiving the data having time information thereby accurately controlling the data to be recorded.

Art Unit: 2621

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa (JP407201130) in view of Tanaka (4,982,390) and Takahashi (5,067,029) as applied to claim 1 above further in view of Nishimura (EP 0698881).

Regarding claim 2, Nagasawa as modified with Tanaka fails to teach using an magneto optical of phase transition for storing the data. However, it is noted that using an magneto optical disc of phase transition for storing data is well known in the art as taught by Nishimura. Therefore, it would have been obvious to one of ordinary skill in the art to modify Nagasawa as modified with Tanaka with Nishimura by using a magneto optical disc as an alternative to the optical disc of Nagasawa as modified with Tanaka for storing the data.

8. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa (JP407201130) in view of Tanaka (4,982,390) and Takahashi (5,067,029) as applied to claim 1 above further in view of Young et al (5,353,121).

Regarding claim 49, Nagasawa fails to teach that the data includes time information. Young teaches a recording apparatus for receiving the data having time information (column 18 lines 55-62). It would have been obvious to one of ordinary skill in the art to modify Nagasawa with Young by providing the apparatus of Nagasawa with a data source for receiving the data having time information thereby accurately control the data to be recorded.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY NGUYEN
PRIMARY EXAMINER